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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/257,064 | 02/25/1999 | TOSHIO ABE | 35.C13352 | 1680 |

5514 7590 08/25/2004

FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

LAMB, TWYLER MARIE

ART UNIT PAPER NUMBER

2622

DATE MAILED: 08/25/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/257,064

Applicant(s)

ABE ET AL.

Examiner

Twyler M. Lamb

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☒ Claim(s) 133, 151 and 169 is/are rejected.
- 7) ☒ Claim(s) 134, 140, 152 and 158 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,3-5,8,12,16,20,23,25,27,29,31,33-35,38,42,46,50,55,57,59,61,133,134,140,151,169-172,192-194,196 and 214.

Continuation of Disposition of Claims: Claims allowed are 1,3-5,8,12,16,20,23,25,27,29,31,33-35,38,42,46,50,55,57,59,61,170-172,192-194,196 and 214.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 133, 151, and 169 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurosawa et al. (Kurosawa) (US 6,035,059) in view of Taniuchi et al. (Taniuchi) (US 5,33,212).

With regard to claims 1, 3, 31, 33 and 61, Kurosawa discloses a graphic processing apparatus (Figure 1) comprising storage (buffer unit 3) for storing printing data to which a printing attribute has been added (col 4, lines 19-22); contour information extraction means (separation unit 2) for extracting contour information based on the printing attribute added to the printing data that are stored in said storage (col 4, lines 19-22);

Kurosawa does not teach a magnification means for performing a magnification process on the graphic data based on the contour information extracted by said contour information extraction means.

Taniuchi discloses a color image recording device that includes a magnification means for performing a magnification process on the graphic data based on the contour information extracted by said contour information extraction means (col 10, lines 43-60).

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Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kurosawa to include a magnification means for performing a magnification process on the graphic data based on the contour information extracted by said contour information extraction means as taught by Taniuchi.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kurosawa by the teaching of Tanicuhi to perform simple magnification for any editing command as taught by Tanicuhi in col 10, lines 43-60.

Allowable Subject Matter

2. Claim 1, 3-5, 8, 12, 16, 20, 23, 25, 27, 29, 31, 33-35, 38, 42, 46, 50, 55, 57, 59, 61, 170-172, 192-194, 196 and 214 are allowed.

3. Claims 134, 140, 152 and 158 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments, see Amendment C, filed 6/10/04, with respect to the rejection(s) of claim(s) 1, 3-5, 8, 12, 16, 20, 23, 25, 27, 29, 31, 33-35, 38, 42, 46, 50, 55, 57, 59, 61, 133, 134, 140, 151, 169-172, 192-194, 196 and 214 under 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made

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in view of Taniuchi et al. (Taniuchi) (US 5,33,212) in reference to claims 133, 151 and 169.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

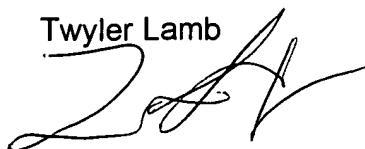
Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

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Twyler Lamb

A handwritten signature in black ink, appearing to read 'Twyler Lamb', with a stylized, cursive script.

August 23, 2004